

Appl. No. 10/758,938
Amdt. Dated October 31, 2005
Reply to Office Action of Sept. 12, 2005

Remarks/Arguments

Claims 3, 9, 17 and 18 are rejected under 35 USC 103 as unpatentable over Farmer, in view of Wu; further in view of Lee; further in view of Delio, and further, in view of admitted prior art.

This rejection is respectfully traversed as being improper as there is no motivation to combine or substitute portions the structures of Wu, Lee, Delio and admitted prior art to selectively forge the structural details of the custom putter defined in claim 17.

Further, the references of the rejections fail to anticipate the structure set forth in claim 17.

The reference Farmer is said to teach a cavity back putter (Fig. 1) have a sole (Fig 10C), a top, a back (Fig. 1), a face (Fig. 10C), a face (42), a bore in a top (Figs 1A, 3, Ref. No. 38, Col. 7, Lns. 21-22), a hosel 26) chosen from a variety of different hosels (lightweight, offset, straight, among others) (Col. 8, Lns. 28-38), a hosel with a length and an upper portion and a foot, a hosel having a length (Figs. 1, 2A), a hosel having an elbow adjacent an upper portion (Fig. 2A), a receptacle being formed in an elbow (Col. 6, Lns. 52-58), a shaft having a length and a flex (Fig. 1), a shaft first end fitted into a receptacle (Col. 6, Lns. 52-58) and a second end for support of a grip (Figs. 2A-B), a projection secured in a bore (Fig. 3, col. 7, Lns. 21-22), a first end of a shaft secured in a receptacle in the form of epoxy, uniting a hosel with a head in the form of welds, a shaft secured in a non-rotatable manner in form of welds and epoxy (Col. 6, Lns. 59-63), a bore at a selected angle relative to a longitudinal axis of a body (Figs. 4A, 4C,

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Ref. No. 38), and a head being a metal in the form of welding the hosel to the head (Col. 6, Lns. 61-62) of the rejection.

The reference Farmer is said to lack a polygonal shaped recess having a bottom surrounded with vertical walls of approximately 2 mm in height, a bore formed in a bottom of the recess, a hosel formed of a second and different material than a head, a rectangular shaped hosel body of between 1-3 inches in length, a foot having an outwardly flared polygonal shaped shoulder having vertical sides of about 2 mm downwardly directed projection, upper portions of a flared shoulder merged with the top of a putter head, and an outward flared shoulder fitted into a recess with vertical sides engaged against vertical walls.

The reference Wu is said to teach a putter with a neck of different materials than the head in order to adjust the center of gravity of the head to match various striking postures (Abstract). It is asserted that in view of the patent of Wu it would have been obvious to modify the putter of Farmer to have a hosel formed of a second and different material than a head in order to adjust the center of gravity of the head to match various striking postures for different golfers.

The reference Lee is said to disclose a polygonal shaped recess in the form of a square having a bottom surrounded with vertical walls having a height (Fig. 4), a bore (323) formed in a bottom of the recess (Fig. 4), a hosel having a shoulder which is polygonal in shape prior to a circular projection (Fig. 4), and a prior art embodiment of a foot having an outwardly flared polygonal shaped at the point where the flared foot merges with the top of a putter head (Fig. 1). It is noted that Lee does not specifically

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state the height of the vertical walls of the recess or disclose the purpose of the recess but clearly one skilled in the art would select a suitable height and purpose in which vertical walls of approximately 2 mm in height and the polygonal squared shoulder of the hosel fitting into a recess with vertical sides engaged against vertical walls are included.

The rejection concludes, in view of the patent of Lee it would have been obvious to modify the putter of Farmer to have a head having a polygonal shaped recess having a bottom surrounded with vertical walls of approximately 2 mm in height, a bore formed in a bottom of the recess, a hosel having a polygonal shaped shoulder fitted into a recess with vertical sides engaged against vertical walls in order to ensure a hosel stays aligned and does not rotate once inserted into a head having a bore. Further, in view of the prior art embodiment, it would have been obvious to modify the putter of Farmer to have an outwardly flared polygonal shaped down to the point of the vertical sides directed downwardly to be placed in the recess in order to have the connection between the hosel and head visually pleasing to a golfer by having it flare at the merger of the hosel and head and in order to have a larger connection area between a hosel and a head to ensure it is not easily broken when a head impacts the ground. As such the foot would have an outwardly flared polygonal shaped shoulder having vertical sides of about 2 mm downwardly directed projection

The reference Delio is said to disclose a hosel having a length of about the size of a diameter of a golf ball (Fig. 2) and a hosel having a rectangular shaped body (Figs. 1-2). It is said to be admitted that prior art discloses that a diameter of a golf ball is

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about 1.7 inches in length. In view of the patent of Delio and admitted prior art it would also have been obvious to modify the hosel of Farmer to have a length between 1-3 inches in order to utilize a hosel length used in the art for hosels which have elbows and offsets and in order that the hosel with an offset and elbow does not interfere with the ball when impacting a ball. In view of the patent of Delio it would have been obvious to modify the putter of Farmer to have a hosel with a rectangular shape in order utilize a cross sectional shape used in the market place for hosels, have a hosel visually pleasing to a golfer who prefers rectangular shapes and/or in order to have a larger connection area between a hosel and a head compared to a square shape to ensure it is not easily broken when a head impacts the ground.

These rejections are clearly improper as no motivation can exist to provide structure not taught by a secondary reference be substituted for the structure of the primary reference to create the claimed structure.

In accordance with 37 CFR 111, specific phrases of claim 17 which are not taught by the combination of references will not be specifically pointed to.

Claim 17 calls for a custom putter including a putter head formed entirely of a first material. The claim calls for a polygonal shaped recess of about 2 mm having a bottom and vertical side walls formed in the first material forming the putter head top.

The reference Farmer does not disclose a putter having a putter head of entirely a first material and a hosel entirely of a second and different. The reference does not disclose a polygonal shaped recess having vertical side walls formed in the first material forming the putter head top. The reference does not disclose a 2 mm recess.

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Farmer is limited to a round hole of indeterminate depth in the putter head to receive a matingly shaped hosel end portion.

The reference Lee does not disclose the called for structure. Lee does not disclose a putter head formed entirely of a first material. The reference does not disclose a polygonal shaped recess having side walls formed of the first material which forms the putter head top.

Lee teaches a putter having a hosel and a putter head. The putter head is formed of a plurality of materials including metal weight 5, metal plate 6, body 3 formed of a metal composite and a resilient plastic sheath 4. See column 2, 16, 17 and column 3, 19, 20.

Lee further teaches forming a club shaft having a lower end which is inserted through rectangular hole 421 into "mounting hole 323. The rectangular hole is formed in the sheath 4." (See paragraph 20) Hole 323 is circular. The side walls of hole 421 comprise the sheath material.

The reference Delio teaches a putter comprising a single piece putter head including the hosel in Figs. 1-4 and a putter head having a hole receiving a hosel of no description in Figs 5-7.

The reference Wu teaches a putter including a putter head composed of two materials, a metallic head 4 and anti-shock shaft 5. A receptacle 41 in the shape of a half circle is formed in the metal portion of the putter head. The reference discloses forming neck 6 of different materials than the combination materials forming the putter head.

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The claim calls for the hosel to include a "foot including an outwardly flared polygonal shaped shoulder having vertical sides of about 2 mm and a lower surface from which a projection is downwardly directed.

No reference of the rejection teaches this structure. In Wood, the foot is circular, there are no outwardly directed shoulders, and no sides of 2 mm. In Lee, lower section 71 forms walls inwardly directed from tubular end 712. The walls are considerably more than 2 mm in length. They do not mate with 2 mm walls in the opening but engage only with resilient sheath. The walls of section 71 do not engage with a sole material forming the putter head.

Delio provides no relevant disclosure re. this limitation. Wu discloses a continuous extension 60 which is shaped as a half circle and is engaged in opening 41.

Claim 17 further sets forth that "said hosel connected with said putter head with said projection extending into and being secured with said bore with said lower surface of said outwardly flared shoulder in engagement with said bottom of said recess with said vertical sides of said outwardly flared shoulder in engagement with said first material forming said vertical walls of said recess and with said outwardly flared shoulder merging with said top of said putter head."

No reference of the rejection discloses a putter having or suggesting this structure. Wu, Delio and Farmer do not disclose this structure. Lee, in the described embodiments, does not disclose this structure. The rejection asserts that Lee, in a prior art showing in Fig. 1 discloses a hosel so structured and united with the putter head. In actuality, Fig. 1 shows a single piece hosel, putter head as is usual in the prior art.

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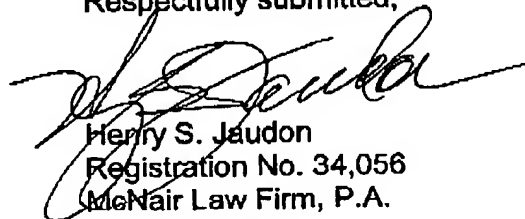
There is no outwardly flared shoulder merging with the top of the putter head with side walls in engagement with sole first material forming the walls of the recess disclosed.

For these reasons, it is believed that claim 17 clearly defines over the rejection. Accordingly, it is respectfully urged the rejection be withdrawn and claim 17 found to be allowable.

Claims 3, 9 and 18 depend from claim 17 and are believed allowable for the set forth reasons.

The claims being allowable, it is respectfully urged that the application be passed to issue in the due course of PTO business.

Respectfully submitted,



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